

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

21st MORTGAGE CORPORATION, §

Plaintiff, §

vs. §

Case No. CV-08-CO-0534-W

MINTON INDUSTRIES, INC. d/b/a §

MINTON'S HOME CENTER; §

RODNEY MINTON; TERRI §

HARMON; and SILVER RUN §

ENTERPRISES, LLC; et al., §

Defendants. §

MOTION TO DISMISS SILVER RUN

COMES NOW the Plaintiff, 21st Mortgage Corporation, by and through its undersigned counsel, and hereby files this Motion to Dismiss Defendant, Silver Run Enterprises, LLC, with prejudice, pursuant to an agreement between the parties that these claims be dismissed.

/s/ Jeffrey C. Smith

Jeffrey C. Smith (ASB-0231-H69J)

Attorney for Plaintiff

OF COUNSEL

Rosen Harwood, P.A.

2117 Jack Warner Parkway

Post Office Box 2727

Tuscaloosa, AL 35403

(205) 344-5000

CERTIFICATE OF SERVICE

This is to certify that I have this day served the following counsel with a copy of the foregoing pleading through the U. S. Postal Service by depositing a copy of same in a pre-addressed envelope with adequate postage prepaid thereon and properly addressed to them or via the Court's electronic filing system on this the 18th day of December 2008.

TO: Harry P. Long
Attorney for Silver Run Enterprises, LLC
P. O. Box 1468
Anniston, AL 36202

Charles Rice
Attorney for Minton Defendants
RICE, ADAMS, UNDERWOOD & ASSOCIATES
P. O. Box 1165
Anniston, AL 36202

Eddie Leitman
Attorney for Minton Defendants
LEITMAN, SIEGAL & PAYNE, P.C.
600 N. 20th Street, Suite 400
Birmingham, AL 35203

/s/ Jeffrey C. Smith
Jeffrey C. Smith